

07 JAN 2008



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WEINGARTEN, SCHURGIN, GAGNEBIN & LEOVICI LLP
TEN POST OFFICE SQUARE
BOSTON MA 02109

In re Application of
LALESSE et al.
Application No.: 10/594,406
PCT No.: PCT/NL2005/000221
Int. Filing Date: 24 March 2005
Priority Date: 26 March 2004
Attorney Docket No.: VER-210XX
For: Apparatus And Method For Stacking Objects

DECISION

ON

PETITION

This is in response to the petition under 37 CFR 1.47(a) filed on 01 November 2007.

BACKGROUND

This international application was filed on 24 March 2005, claimed an earlier priority date of 26 March 2004, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 06 October 2005. The 30 month time period for paying the basic national fee in the United States expired at midnight on 26 September 2006. Applicants filed *inter alia* the basic national fee on 26 September 2006.

On 01 June 2007, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring an oath or declaration compliant with 37 CFR 1.497(a) and (b) and a surcharge under 37 CFR 1.492(h).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Regarding **requirement (1)**, the \$200.00 petition fee was paid on 01 November 2007.

Regarding **requirement (2)**, the "DECLARATION OF MICHEL VAN ROOIJ..." (And supporting copies of letters cited therein) establishes that, within the meaning of 37 CFR 1.47(a), Mr. Van Schijndel expressly refused to execute the application on 17 October 2007 after being presented with a copy of the application papers, including a declaration document. Requirement (2) therefore has been satisfied.

Regarding **requirement (3)**, the petition states the last-known address of the non-signing inventor. Accordingly, requirement (3) has been satisfied.

Regarding **requirement (4)**, the declaration of inventorship accompanying the instant petition is acceptable, having been signed by Robert Lalesse for himself and on behalf of Marcel van Schijndel.

DECISION

The petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

The application is being returned to the National Stage Processing Branch for processing as the U.S. National Stage of the above-identified international application. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **01 November 2007**.



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Mr. Marcel van Schijndel
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Attorney Docket No.: VER-210XX
For: Apparatus And Method For Stacking
Objects

Dear Mr. van Schijndel:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 1:16 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3283. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Requests for information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1(800) 972-6382 (outside the Washington D.C. area).

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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OFFICIAL GAZETTE NOTICE

37 CFR 1.47 Notice by Publication

Notice is hereby given of the filing of an application with a petition under 37 CFR 1.47 requesting acceptance of the application without the signature of a joint inventor. The petition has been granted. A notice has been sent to the last known address of the non-signing inventor. The inventor whose signature is missing (Marcel VAN SCHIJNDEL) may join in the application by promptly filing an appropriate oath or declaration complying with 37 CFR 1.63. The international application number is PCT/NL2005/000221 and was filed on March 24, 2005 in the names of Robert LALESSE and Marcel VAN SCHIJNDEL for the invention entitled APPARATUS AND METHOD FOR STACKING OBJECTS. The national stage application number is 10/594,406 and has a 35 U.S.C. 371(c)(1), (2) and (4) date of November 1, 2007.